IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.88 OF 2006

Sou.Sumitra Shridhar Khane & Anr. ...Applicants

Versus

The Collector, Kolhapur Swaraj Bhavan, Kolhapur & Ors. ...Respondents

.....

Mr.Rahul Walwekar for Applicants.

Mr.A.R.Patil, A.G.P. for Respondents 1 and 2.

.....

CORAM: A.M.KHANWILKAR, J.

JUNE 5, 2006.

P.C.

1. Heard Counsel for the Applicants.

2. This Revision challenges the order passed by the S.L.A.O. dated 16th August 2005 rejecting the Application made by the Applicants for forwarding reference under Section 18 of the Land Acquisition Act. The said Application came to be rejected on the sole ground that it was barred by

limitation.

3. The finding so recorded by the Special Land Acquisition Officer is unexceptionable. It is not in dispute that Section 12(2) notice was issued on 3rd May 2005 and copy thereof was duly served-according to the Applicants in the 2nd week of May 2005. Even if the case made out by the Applicants is to be expedited as it is, it necessarily follows that the limitation for filing Application under Section 18 commences from the date of service of notice under Section 12(2) of the Act in 2nd week of May 2006. Taking any view of the matter, the Application which was filed on 4th August 2005 by the Applicants was clearly barred by limitation within the meaning of Section 18 of the Act.

4. Counsel for the Applicants, however, contends that the Applicants should be given benefit of the latter part of clause (b) of the proviso to sub-section (2) of Section 18 of the Act. This submission cannot be countenanced. The latter part of clause (b) of proviso to sub-section (2) would apply where the case of the claimant

would be that six weeks' period from the date of Collector's award has not expired. In the present case, the award has been passed on 30th November 2004. Six weeks from the said date having expired long back, clause (b) will be of no avail to the Applicants.

5. Suffice it to observe that the Application preferred by the Applicants under Section 18 is barred by limitation and is rightly rejected by the Authority. No other view is possible. Any other contention available to the Applicants will be of no avail, once it is held that Application is barred by limitation. Hence, no interference is warranted. Dismissed.

A.M.KHANWILKAR, J.